HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

–

Writ Petition No. 4930 of 2005

–

Dated: 21st December, 2005

Between:

K.V.Ramarao, S/o.Ramachandra Rao,

R/o.Patamata, Vijayawada.

..... PETITIONER

AND

1. The Director of Mines and Geology, B.R.K.Bhavan,

New Secretariat, Hyderabad and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.4930 of 2005

ORDER:

When W.P.M.P.No.31950 of 2005 came up for consideration, with the consent of both the parties, the writ petition itself is taken up for hearing and is being disposed of by this Order.

2. This writ petition has been filed by K.V.Ramarao assailing the inaction of the Director of Mines and Geology, Hyderabad-1st respondent in not according necessary permission to refund petitioner's deposit of Rs.1,36,752/- as per the

proceedings No.2553/Q/98, dated 13.10.2003 of the Assistant Director of Mines and Geology, Guntur, Guntur District-2nd respondent.

3. The petitioner has deposited an amount of Rs.1,36,752/- for grant of temporary permission for transportation of sand from Quarry Reach No.5, Kollipara, Guntur District. Subsequently, policy has been changed and the respondents have not granted temporary permission. The petitioner has submitted an application to the Assistant Director of Mines and Geology, Guntur-2nd respondent for return of the amount deposited by him. His application came to be forwarded to the Director of Mines and Geology, Hyderabad-1st respondent. Since no action has been taken by the 1st respondent on the clarification sought for by the 2nd respondent, the petitioner approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India with the prayer stated supra.

4. Heard learned counsel appearing for the petitioner and learned Government Pleader for Mines Geology appearing for the respondents.

5. The factual aspect of the petitioner depositing a sum of Rs.1,36,752/- for grant of temporary permit is not in dispute. It is also not in dispute that the temporary permission has not been granted in favour of the petitioner. In these circumstances, the petitioner submitted an application to the 2nd respondent for refund of the deposit amount of Rs.1,36,752/-. 2nd respondent sought for some clarification from the 1st respondent to accord necessary permission to refund the petitioner's deposit.

6. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the proposal sent by the 2nd respondent for return of the deposit of Rs.1,36,752/- to the petitioner and pass appropriate orders within four weeks from the date of receipt of a copy of this Order.

7. Accordingly, the writ petition is disposed of. No costs.

_____

B.SESHASAYANA REDDY, J.

Date: 21st December, 2005.

cs